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RUEHFR/AMEMBASSY PARIS 0108  
RUEAIIA/CIA WASHDC  
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SUBJECT: VP'S "ACCOMPLICES" RELEASED FOR LACK OF EVIDENCE

REF: A. 06LILONGWE376  
[1](#)B. 06LILONGWE365  
[1](#)C. 05LILONGWE338  
[1](#)D. 05LILONGWE15

[1](#)1. (SBU) Summary: Twelve of those arrested in connection with Vice-President Cassim Chilumpha's treason case were released for lack of evidence on May 6, three days after they were arrested. The twelve included a number of leaders in the VP's United Democratic Front (UDF) party, a former Malawian ambassador, a civil society leader, and two Muslim sheikhs. The release of the twelve four hours after Zimbabwean President Robert Mugabe's departure is probably not a coincidence. Chilumpha and two others are still in custody. End Summary.

[1](#)2. (U) Those released were former Malawian ambassador to Libya Muhammed Kulesi, UDF National Executive Committee member Maurice Kachimbwinda, UDF Central Regional Governor John Banda, UDF advisor Humphrey Mvula, President of the Malawi Democratic Party Kamlepo Kalua, Chilumpha associate Hophmally Makande, Sheikh Daudi Abasi, Sheikh Afasi, Ndaila Onani, Shaban Kadango, Ali Faki and a Mr. Nkumba. All twelve had been scheduled for a bail hearing on May 8.

[1](#)3. (SBU) Ambassador Eastham met with three UDF leaders on May 5 to discuss the case, among other issues. The UDF officials took an interesting approach, primarily protesting the treatment of Chilumpha, who was moved to Lilongwe in a truck that broke down halfway and who remains locked up in a severely overcrowded prison in Lilongwe. The UDF leaders did not, however, contest the government's right to charge and try Chilumpha on treason charges, though they said that the serious charge of treason brings the government into ridicule and is a tactic of intimidation, given that the maximum sentence in Malawi for this charge is death by hanging. They also claimed that they were told by friends within the police that they were on a list of those targeted for arrest.

[1](#)4. (SBU) Civil society leaders, who have been preoccupied with the Mugabe visit, have also expressed doubt about the merits of the case against Chilumpha, and worry over the tactics that government has used. One outspoken NGO leader told Embassy officials that he had also been told that he would be arrested, and he was worried that Malawi is "slipping back into a dictatorship." Another said the arrests have been politically motivated, and pointed to the similarity of Chilumpha's case with high profile treason accusations against opposition leaders in Zimbabwe and Uganda.

15. (SBU) Comment: The timing of the arrest of Chilumpha's alleged co-conspirators, which came the morning of Mugabe's arrival, and their release hours after he left, is apparent, though it is difficult to understand why the government would use the blunt instrument of an alleged capital offense to detain opposition politicians for a short period of time, only to release them without charge. Mutharika was intent on making sure Mugabe's visit went smoothly, as demonstrated by the extent to which he courted those opposing the visit (ref B). Hours before Mugabe arrived, the police arrested opposition leaders who could have led protests over Chilumpha's arrest, and a civil society advocate who had publicly promised to protest Mugabe's visit. Putting the twelve on ice, while privately intimidating others, ensured that there would be no disruptions while 'Comrade' Mugabe was here.

16. (SBU) Comment contd: However, the treason charges against Chilumpha might have the end result of bringing back an old headache, as former President and Mutharika-foe Bakili Muluzi has announced that he will now return early from his extended visit in the U.K. We continue to believe that the case against Chilumpha may or may not be valid, and until evidence is presented (perhaps as early as his May 11 bail hearing) we would reserve judgment on his case and that of his co-defendants. It is indeed worrisome that the government would use the coattails of Chilumpha's treason case to put a dozen politicians away from public view for a few days. End Comment.  
EASTHAM